

REMARKS

Upon entry of the present amendment, the claims in the application are newly-amended claims 14-25 .

35 USC 103 REJECTIONS

Applicant respectfully traverses the 35 USC 103 rejection of the previous claims, especially in view of the claims as now amended.

The OA concedes that Choi fails to disclose the needles as being partially coated with a coating.

The OA further concedes that as to claims 22 and 23, Choi also fails to disclose the claimed materials for the needle and/or coating.

In addition to the features mention above which the OA concedes are not disclosed by Choi, applicant respectfully submits that Choi in view of Gabrusenok fails to make obvious:

“An applicator for use in reflexotherapy, comprising:

a base member;

a plurality of needles fixed within said base member;

each said needle comprising a rod member provided with a sharpened portion at a first end of said rod member, and provided with a head portion at a second end of said rod member;

said rod member having its central elongated axis disposed in a first predetermined direction;

said head portion having its major planar surface disposed in a flat plane which is oriented perpendicular to said first predetermined direction and to said central elongated

axis of said rod member;

each said needle being fixed in said base member so that said rod member provided with said sharpened portion protrudes above said base member;

said rod member being made from a base material;

one or more of said needles being partially covered with a coating;

said needles including one or more first needles being made from and/or coated with a first material, and one or more second needles being made from and/or coated with a second material;

each said needle being surrounded with needles whose base materials and coatings are made from different materials;

said first and second materials having different electrochemical potentials; and

said partially-covered needles expose a surface of contact between each needle and a user's epidermis to at least said first and second materials.” (emphasis added)

(AS REQUIRED BY NEWLY-AMENDED CLAIM 14); nor

“An applicator for use in reflexotherapy, comprising:

a base member;

a plurality of needles fixed within said base member;

each said needle comprising a rod, a sharpened portion, and a head;

said rod having its central elongated axis disposed in a first predetermined direction;

said head having its major planar surface disposed in a flat plane which is oriented perpendicular to said first predetermined direction and to said central elongated axis of said rod;

said needles being partially covered with a coating;

said needles including at least a first set of needles being made from and/or coated with a first material, and a second set of needles being made from and/or coated with a second material;

said first and second materials having different electrochemical potential;

said needles being partially covered with a coating to expose a surface of contact between each needle and a user's epidermis to at least said first and second materials having said different electrochemical potentials;

at least one further set of needles being made from and/or coated with a further material having a different electrochemical potential than that of said first and/or second set of needles;

the coating on at least some of said needles comprises a multilayer coating;

said needles are disposed in said applicator in a configuration in which adjacent needles exposed to said surface of contact with the user's epidermis are either coated with and/or made from different materials; and

the material comprising said needles and/or coatings is selected from steel, copper, chromium, nickel, silver, cobalt, aluminum, magnesium, zinc, tin, titanium, vanadium, beryllium, gold, platinum, palladium, strontium, tellurium or alloys and oxides thereof.” (Emphasis added)

(AS REQUIRED BY NEWLY-AMENDED CLAIM 24); nor

“An applicator, comprising:

a base member and needles fixed therein;

each of said needles comprising a base with a rod, a sharpened portion, and a head;

said rod having its central elongated axis disposed in a first predetermined direction;

said head having its major planar surface disposed in a flat plane which is oriented perpendicular to said first predetermined direction and to said central elongated axis of said rod;

said needle bases being made of steel, copper, chromium, nickel, or silver, and provided with a coat made of chromium, nickel, copper, or silver;

at least a portion of said needles being made with solid and/or partial coats;

in the case of partial coating of said needle bases, the areas close to said sharpened portions thereof are formed by at least two materials having different electrochemical potentials;

needle bases and coats are made of chemical elements selected from a group additionally including cobalt, aluminum, magnesium, zinc, tin, titanium, vanadium, beryllium, gold, platinum, palladium, strontium, tellurium, and alloys and oxides thereof; and

said needles are arranged in said applicator in such a way that adjacent needles comprise different base and coat materials.” (Emphasis added)

(AS REQUIRED BY NEWLY-AMENDED CLAIM 25).

It is important to note that all of Choi’s and Gabrusenok’s needles lack a head portion as defined by applicant’s newly amended claims.

Moreover, if the prior art references as a whole do not teach, suggest or motivate combining such references as proposed by the OA, then they may **not** be combined as proposed by the OA.

Indeed, the mere fact that the prior art can be modified does **not** make the modification obvious **unless the prior art suggests the desirability of the modification.**”

In light of the foregoing, applicant respectfully requests reconsideration of the obviousness rejection with a view toward withdrawing same.

Conclusion

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not convinced that the application is in condition for allowance, it is respectfully requested that the Examiner promptly telephone the undersigned attorney for applicant in an attempt to facilitate the prosecution, and/or to narrow the issues for appeal, if necessary.

A Petition for Extension and extension fee are enclosed.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

Date: May 19, 2008

/imw/

Weiner & Burt, P.C.
P.O. Box 186
Harrisville, MI 48740

Irving M. Weiner (Reg. 22168)

Attorney for Applicant
Phone: 989 724-7400
Fax: 989 724-7100